

E-FILING

# United States District Court

FILED

NORTHERN

DISTRICT OF

CALIFORNIA

2008 FEB 13 P 2:42

UNITED STATES OF AMERICA

V.

Sergio MORENO-Alfaro  
(Name and Address of Defendant)

CRIMINAL COMPLAINT

08-70078 PVT

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, February 1, 2008, in Monterey County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326  
I further state that I am a(n) Deportation Officer and that this complaint is based on the following  
Official Title  
facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM: [Signature] ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

2/13/08  
Date

at

San Jose, California  
City and State

DOCUMENT NO.	CSA's INITIALS
<u>1</u>	<u>[Initials]</u>
DISTRICT COURT CRIMINAL CASE PROCESSING	

Patricia V. Trumbull  
United States Magistrate Judge  
Name & Title of Judicial Officer

[Signature]  
Signature of Judicial Officer

**RE:** MORENO-Alfaro, Sergio A79 356 129

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

- (1) Mr. MORENO-Alfaro is a 32-year-old male who has used nine (9) aliases and four (4) dates of birth in the past.
- (2) Mr. MORENO-Alfaro has been assigned one (1) Alien Registration number of A79 356 129, FBI number of 118618AB4, California Criminal Information Index number of A1115595, and a Santa Clara County Personal File Number of DYC789.
- (3) Mr. MORENO-Alfaro is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on three (3) occasions from the United States:

<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
October 21, 2002	Calexico, CA
June 27, 2003	San Ysidro, CA
August 17, 2004	San Ysidro, CA

- (4) Mr. MORENO-Alfaro last entered the United States at or near San Ysidro, CA on or after August 17, 2004, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. MORENO-Alfaro on a date unknown, but no later than February 1, 2008, in Monterey County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On February 1, 2008, Mr. MORENO-Alfaro was interviewed by Immigration Enforcement Agent (IEA) Patrick Malate at the Monterey County Jail, Salinas, CA, and during that interview, Mr. MORENO-Alfaro was advised of his **Miranda** rights in Spanish and English. Mr. MORENO-Alfaro waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.

**RE:** MORENO-Alfaro, Sergio A79 356 129

- (6) Mr. MORENO-Alfaro was, on April 14, 1998, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of POSSESSION CONTROLLED SUBSTANCE FOR SALE (cases# SS980280A), an aggravated felony, in violation of Section 11351 of the California Health and Safety Code, and was sentenced to three (3) years in prison.
- (7) Mr. MORENO-Alfaro was, on April 14, 1998, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of POSSESSION CONTROLLED SUBSTANCE (cases# SS980309A), a felony, in violation of Section 11350 of the California Health and Safety Code, and was sentenced to two (2) years in prison.
- (8) Mr. MORENO-Alfaro was, on January 10, 2001, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of RECEIVE/CONCEAL SOTLEN PROPERTY (case#SS002419A), a felony, in violation of Section 496(a) of the California Penal Code, and was sentenced to three (3) years in prison.
- (9) Mr. MORENO-Alfaro was, on May 25, 2001, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of WILLFUL CRUELTY TO CHILD (case#MS193087A), a misdemeanor, in violation of Section 273A(b) of the California Penal Code, and was sentenced to one hundred eighty (180) days in jail.
- (10) On the basis of the above information, there is probable cause to believe that Mr. MORENO-Alfaro illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.

  
\_\_\_\_\_  
Trong Q. Nguyen  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn to before me this 13 day of Feb 13, 2008

  
\_\_\_\_\_  
PATRICIA V. TRUMBULL  
UNITED STATES MAGISTRATE JUDGE